
FLETC DIRECTIVE (FD)

NUMBER: 63-35.A

SUBJECT:

DATE: 04-04-00

MERIT STAFFING PLAN

SUNSET REVIEW DATE: 04-04-04

1. PURPOSE. This directive provides guidance and procedures for internal placement actions such as promotions, reassignments, transfers, reinstatements, and demotions on the Federal Law Enforcement Training Center (FLETC).
2. SCOPE. This directive applies to all FLETC personnel and outside applicants subject to placement actions listed under Part I, Paragraph 1., Coverage. The guidance contained in this directive do not apply to selections under the Executive Assignment System or to the Senior Executive Service.
3. SUPERCESSION. This directive supersedes FLETC Directive No. 63-35.A, Merit Promotion Plan, dated November 10, 1992.
4. REFERENCES.
 - a. Treasury Personnel Management Manual (TPMM) Chapter 335
 - b. 5 Code of Federal Regulations (CFR) 335, 300, 330
 - c. Title 5, United States Code
5. DEFINITIONS. Definitions follow the Table of Contents listed below.
6. PROCEDURES. Detailed procedures are contained in the following format:

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DEFINITIONS:

1. Adverse Action is a personnel action taken under the provisions of 5 U.S.C. 7514, including, but not limited to, removal or reduction in grade or pay.
2. Appointment is the selection and assignment of a person to a position.
3. Area of Consideration is the geographical and/or organizational area from which applicants are being sought.
4. Assessment Procedure is any measure used to evaluate employees for competitive promotion and placement under this directive. It includes crediting plans, tests, assessment centers, etc.
5. Career Appointment is a competitive service permanent appointment given to an employee who has completed three substantially continuous, creditable years of Federal service. Substantially continuous service must not include any break in service of more than 30 calendar days. (See CFR 315.201(C) for exceptions).

6. Career-Conditional Appointment is a competitive service permanent appointment of a person who has not yet completed three years of creditable, substantially continuous service. Substantially continuous service must not include any break in service of more than 30 calendar days. (See CFR 315.201(C) for exceptions).
7. Career Ladder indicates the successive grade levels established by a classification determination through which an employee may advance without competition to the full performance level of the position to which appointed or assigned.
8. Demotion or change to lower grade is the movement of an employee, while serving continuously within the same agency, to a position at a lower grade level within the same agency, to a position at a lower grade level within the same job classification system and pay schedule, or to a position with a lower rate of basic pay in a different job classification system and pay schedule.
9. Detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his/her regular duties at the end of the detail. The employee's basic pay rate does not change.
10. Eligible Candidates are those who meet established qualification requirements for the position (including selective factors) and any other applicable legal or regulatory provisions; e.g., time-in-grade requirements, time after competitive appointment.
11. Incumbent refers to the person occupying a position.
12. Merit Promotion is the placement of an employee into a position at a higher grade level or with promotion potential to a higher grade level than that currently held, based on a selection official's assessment of appropriate knowledges, skills, and abilities.
13. Position Change means a move by an employee to another position (i.e., a promotion, demotion, or reassignment) while the individual is continuously employed within the same agency.
14. Prior Consideration is the referral of an individual who by law or regulation must be considered before other candidates. It means that the individual will receive bona fide consideration by the selecting official for the next appropriate vacancy. However, an individual has no guarantee of being selected.
15. Priority Consideration/Selection is the referral of an individual who must be selected for the position as a result of a legal regulatory, procedural or collective bargaining agreement. Applicant must meet all regulatory requirements for the position.
16. Promotion is the movement of an employee, while serving continuously within the agency, to a position at a higher grade level within the same job classification system and pay schedule, or to a position with a higher rate of basic pay in a different job classification system and pay schedule.
17. Quality Ranking Factor is a Knowledge, Skill, Ability (KSA) which is important, though not essential, to successful performance in the position. It permits making further qualitative distinctions among basically eligible candidates.

18. Reassignment is the movement of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.
19. Reduction-in-Force (RIF) is the separation of an employee from his or her competitive level, required by the department or agency because of lack of work or funds or because of abolishment of position or agency.
20. Reinstatement is reemployment on a permanent or temporary basis of a former career employee (or career-conditional Veterans Preference eligible) any time after separation from Federal employment, or of a former career-conditional non-veteran within three years after separation.
21. Selective Placement Factor is a KSA which is required to establish basic eligibility for a position.
22. Status Quo Employee is an employee who failed to acquire competitive status when his or her position was placed in the competitive service by a statute, executive order, or Civil Service rule which permitted retention of the employee without the acquisition of status.
23. TAPER means Temporary Appointment Pending Establishment of a Register when there is an insufficient number of eligible candidates on a register appropriate for filling a vacancy in a position that will last more than one year, and the public interest requires that the vacancy be filled before eligible candidates can be certified.
24. Testing Designated Position means positions within the FLETC which have been designated for pre-employment and random drug testing under the FLETC Drug-Free Workplace Plan.
25. Term Appointment is a non-status appointment to a position that will last more than one year but not more than four years and that is of a project nature where the job will terminate upon completion of the project.
26. Transfer is the movement of a career or career-conditional employee from a position in one agency to a position in another agency without a break in service of one workday or more.

PART I – GENERAL PROVISIONS

1. COVERAGE. This directive covers the following placement actions:
- a. Promotion, demotion, reassignment, reinstatement, or transfer of career or career-conditional employees.
 - b. Promotion, demotion, or reassignment of:
 - (1) overseas limited employees to any position to which an initial appointment of the same type is authorized by 5 CFR 301, Subpart B;
 - (2) status quo employees; or
 - (3) term employees to other positions that may be properly filled by term appointment.

c. Promotion, demotion, reassignment, or transfer of worker-trainee TAPER employees, or Veterans' Readjustment Authority appointees as prescribed in 5 CFR 316.201(b).

d. Promotion, reassignment, or transfer of student appointees in career-related work study programs authorized under E.O. 12015.

e. Reassignment of non-worker trainee TAPER employees to any position to which the individual's original appointment could have been made under the same authority, by the same appointing office, from the same recruiting list, in the same order of consideration.

f. Term promotions for a specified time up to four years for participation in a designated project or planned rotation program. The employee is informed in writing that the promotion is for a specified term and a return to his or her former grade may be made at any time without adverse action procedures.

g. Time-limited promotions to fill temporary positions for a specified period of not more than five years, unless OPM authorizes the agency to make and/or extend time-limited promotions for a longer period.

2. EMPLOYMENT POLICY.

a. This Merit Staffing Plan has been developed to provide the means for promotions to be based on merit and to reflect the principles of Equal Employment Opportunity in employment for all persons. Qualification, evaluation, and selection shall be made without regard to race, color, religion, sex, national origin, age, lawful political affiliation, marital status, non-disqualifying physical or mental disability, and membership or non-membership in a labor organization. All actions under this directive will be based solely on job-related criteria and not on favoritism, personal relationships, nepotism, or patronage.

b. Promotion to all positions under this plan shall be made in accordance with the policies, procedures, and practices prescribed in this directive and 5 CFR, Part 335. To the extent provided in 5 CFR, Part 335, these policies, procedures, and practices also apply to reassignments, transfers, reinstatements, details, and selection for training when training is offered through competitive procedures.

c. Provisions of this directive shall be applied to positions in Schedule B of the excepted service when the appointing authority does not contain a time limitation on the length of appointment.

d. Severely physically disabled persons employed under 5 CFR, Schedule A, 213.3102(u), should also be considered for promotion in accordance with this directive.

3. RESPONSIBILITY.

a. The Human Resources Officer is responsible for: (1) the effective administration of the Merit Staffing Plan; (2) coordinating the development of the plan and monitoring operations through periodic evaluation of the plan, (3) ensuring the technical competence of personnel assigned to develop, modify, and administer the plan and; (4) maintaining required records and for gathering any

other data required by the OPM or the Treasury Department for the evaluation of operations; and coordinate revisions and updates to the plan when needed.

b. Human Resources staff members are responsible for assisting managers and supervisors in accomplishing their responsibilities and provide advice and support to managers in such matters as evaluation procedures, recruiting candidates, etc.

c. Supervisors are responsible for supporting the program, participating in development and modification of merit staffing plans, evaluating the results on a continuing basis, planning for and projecting staff needs, appraising employees, and assisting in crediting plan development and rating.

d. Employees are responsible for understanding that the objective of the merit staffing policy is to fill positions with the best qualified candidates. They should also understand that this Merit Staffing Program does not guarantee every employee a promotion.

4. MANAGEMENT RIGHTS. Management has the right to determine the methods by which positions will be filled. These methods include, but are not limited to: promotion, reassignment, transfer, reinstatement, placement of the handicapped, Veterans Readjustment Appointment, Veterans Opportunity Employment Act, 30 percent or more disabled veteran appointments, and appointments from an OPM certificate of eligibles. Merit Promotion is but one method of filling a vacancy. Other methods may be used concurrently, or to the exclusion of the merit promotion process.

5. EMPLOYEE AND APPLICANT ELIGIBILITY. Employees and applicants are subject to the following eligibility criteria:

a. All position changes and appointments must meet legal and qualification requirements (5 CFR, Part 338, restrictions to protect competitive principles (5 CFR, Part 330), time-in-grade requirements (5 CFR, Part 300), and the provisions of this Merit Promotion Plan.

b. In order to be eligible for a career ladder promotion, an employee must:

(1) Receive a summary rating of at least “fully successful” on his or her most recent performance rating of record for the current position under 5 CFR, Part 430; and

(2) Receive a rating of at least “fully successful” on each critical element that is also critical to performance at the next higher grade of the career ladder.

c. When employees are selected for career ladder positions, the supervisor and employee will develop an Individual Development Plan (IDP) within 30 days of the employee entering the position. The IDP will be designed to identify developmental objectives, assignments, experience and training to develop competencies needed for advancement.

PART II – APPLICATION

1. EXCEPTIONS TO COMPETITIVE PROMOTION PROCEDURES:

a. Reinstatement, transfer, or promotion of an employee up to the highest grade previously held on a permanent basis under a career or career-conditional appointment, provided the employee was not demoted or separated from that grade because of deficiencies in performance or “for cause” reasons.

b. Selection of 30 percent or more disabled veterans, qualified applicants with disabilities, individuals eligible for a Veterans Readjustment or Veterans Employment Opportunity Act appointment, or other noncompetitive appointment authority.

c. Promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error.

d. A position change (promotion, demotion, or reassignment) permitted by RIF regulations.

e. A promotion resulting from an employee’s position being classified at a higher grade because of additional duties and responsibilities. An employee may be promoted within the same organization when:

(1) there are no other employees at the same grade in the unit supervised by the selecting official who are performing duties substantially the same as those performed by the employee prior to the addition of the new duties and responsibilities;

(2) the employee continues to perform the same basic functions as were in the former position and the duties of the former position are administratively absorbed into the new position;

(3) the addition of the duties and responsibilities does not result in an adverse impact on another encumbered position, such as abolishing the position or reducing the known promotion potential of another position; and

(4) the employee meets all eligibility and qualification requirements for the positions.

f. Reassignment, demotion, or promotion (including transfer) to a position having no higher promotion potential than that held or previously held on a permanent basis in the competitive service (except when demoted for cause). For example, a GS-9 who has held a GS-11 with promotion potential to the GS-12 could be non-competitively placed in a position having promotion potential to GS-12 or below.

g. A position change from a position having known promotion potential to a position having no higher potential. For example, the reassignment of an employee serving in a position with promotion potential to GS-11 to another position with promotion potential to GS-11.

h. A temporary promotion of 120 days or less or detail to a higher graded position, or one with known promotion potential for not more than 120 days.

i. Selection of an officially identified employee who did not receive proper consideration in a prior promotion case due to a procedural or regulatory error or to a program violation.

j. Movement between positions under different pay systems, called promotions because the individual receives an increase in pay rate, may be made without regard to competitive promotion procedures unless the movement also involves an increase in representative rate (fourth step for Classification Act positions, second step for wage-grade positions).

k. Promotion of an employee when competition was held at an earlier stage; that is, the employee was selected from a civil service register or under competitive promotion procedures for an assignment intended (with the intention made a matter of record and documented in the promotion file).

2. COMPETITION IS REQUIRED FOR THE FOLLOWING ACTIONS:

a. Temporary Promotions for over 120 days to higher graded positions. Prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total.

b. Term Promotion to a higher graded position.

c. Selection for details for more than 120 days to a higher graded position or to a position with known promotion potential (5 CFR, Part 300).

d. Selection for training which is part of an authorized training agreement or a promotion program or which is required before an employee may be considered for a promotion.

e. Reassignment, demotion or transfer to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by RIF regulations).

f. Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than the highest grade held in a non-temporary position in the competitive service.

3. AREA OF CONSIDERATION.

a. General Provisions.

(1) The area of consideration is the organizational and/or geographic boundary designated by the agency within which it will consider candidates who are required to compete for selection. However, the area of consideration does not preclude an agency from selecting from other appropriate sources.

(2) The area of consideration is determined according to the following criteria:

(a) The grade level of the position to be filled;

(b) The KSAs required for the position and the likelihood that a given area will produce an adequate number of well-qualified candidates;

(c) The area that will provide maximum opportunities

(d) Appropriate Federal Equal Opportunity Recruitment Program and affirmative employment outreach efforts;

(e) Budget and ceiling constraints; and

(f) Labor market conditions.

(3) The minimum area of consideration for all positions will be FLETC staff located at Artesia, New Mexico; Glynnco, Georgia; Charleston, SC; and the Washington Office.

(4) Normally, the minimum area of consideration will be enlarged when less than three qualified candidates are available. The selecting official may choose from only one or two candidates if enlarging the area of consideration could not reasonably be expected to increase the number of qualified candidates.

(5) For positions to be filled under the Department's upward mobility Career Development for Lower Level Employees (CADE) Program, the area of consideration may not extend beyond the Department of the Treasury, and may be limited to the FLETC.

b. Acceptance of Applications.

(1) Late applications. Candidates who are on approved leave or official travel for at least half of the open period of an announcement may submit a delayed application within five working days after returning to duty, providing a selection has not been made. A written request must be submitted by the candidate and verified by the candidate's supervisor. The written request and supervisory verification must accompany the candidate's delayed application or resume. The rating, certification and selection process will not be delayed to allow for receipt of late applications.

(2) Rejection of Applications or Resumes. Applications or resumes will not be considered for the following reasons (however, they constitute a part of the merit staffing file and will not be returned):

(a) The applicant is not within the area of consideration stated in the vacancy announcement;

(b) The application or resume does not include enough information on which to make a qualification determination,

(c) The application or resume has been falsified, in which case appropriate action will be taken;

(d) the application or resume is not received (or postmarked, if by mail) by the closing date (except as provided in paragraph 4.b.(1) above); and

(e) the application or resume is received in a Treasury or other Government postage-free envelope.

(3) Noncompetitive Appointable Candidates. Merit Promotion vacancy announcements will indicate that individuals eligible for noncompetitive appointment (Veteran Readjustment, Veterans Employment Opportunity Act, 30% or more disabled veterans, disable employees, etc.) may also apply regardless of the announced area of consideration.

(4) Maintenance and Use of the Voluntary Application File (VAF). A VAF will be maintained for specific series and grades. Volunteer applications will be accepted from career or career-conditional employees and certain individuals eligible for non-competitive appointments. The application or resume must be for a specific position and grade which is normally staffed by the FLETC. Eligible candidates for promotion may be considered along with promotional candidates who applied under the specific vacancy announcement. All candidates in series and grades for which voluntary applications or resumes are accepted and who are eligible for noncompetitive selection may be referred to the selecting official for consideration separately from promotional candidates, regardless of whether applications or resumes were received under a specific announcement. Referral of candidates for consideration will be at the discretion of the selecting official and will not be done automatically. All individuals submitting voluntary applications or resumes are responsible for:

(a) Submitting separate applications or resumes for each series and grade for which they wish to be considered; and

(b) ensuring that sufficient information is included with the application such as the latest SF-50 (Notification of Personnel Action) indicating competitive status and last annual performance appraisal.

(5) Failure to meet the above requirements may adversely affect full consideration. Selecting officials may ask to see the voluntary applications or resumes of individuals who are eligible for noncompetitive selection upon request, and may do so at any time during the recruitment process. Such requests may be made regardless of whether measures have been, or will be, taken to fill a vacancy by competitive means. Voluntary applications will be maintained in the VAF for a period of 1 year.

4. VACANCY ANNOUNCEMENTS.

a. Vacancy announcements are but one means of filling vacant positions. When an alternate method is used to fill the vacancy, announcing may not be necessary; e.g., reassignment, downgrade, etc. Vacancy announcements will be made easily accessible to all employees by being posted in the Human Resources Division, Employment Center, and will be open for a minimum of 10 working days. For some vacancies that become vacant frequently, we may utilize open continuous announcements with cut-off dates at specific intervals throughout the open period; e.g., 6 months, 1 year. The Human Resources Division will determine which positions require this type of vacancy announcement. This time requirement may be extended so as to be compatible with the area of consideration involved.

b. Vacancy announcements for most positions will be entered on the Federal Jobs Database at www.usajobs.opm.gov.

c. The vacancy announcement will include the specific information regarding the nature of the position, duties and responsibilities, and salary range.

d. Applications or resumes and supporting documentation must be complete and must be received in the Human Resources Division by the closing date shown in the announcement except, if mailed, the postmark must be no later than the closing date.

5. EVALUATION OF CANDIDATES.

a. Basic Qualification. Applicants must meet the minimum qualification standards prescribed in OPM's Qualification Standards for General Schedule (GS) Positions and OPM's Job Qualification Systems for Trade and Labor Occupation (X-118C) and any selective placement factors required. Selective factors are knowledges, skills and abilities which are essential for successful performance in a position and which cannot be developed in a reasonable period of time. Basic qualification must be met by closing date of announcement. If open continuously, qualification must be met at the time of filing.

b. Time-In-Grade/Qualification. Applicants must meet any time-in-grade requirements of the CFR, Part 300 and qualification requirements by the closing date of the announcement.

c. TPMM Bulletin. In accordance with TPMM Bulletin 78-6, dated September 28, 1978, consideration for Upward Mobility (CADE) positions is limited to employees at GS-8 and below who have high potential but cannot meet qualification requirements for higher grades (i.e., target position qualifications) without special training. Accordingly, employees are to be placed in CADE positions on the basis of the Departmental CADE Training Agreement rather than on the basis of meeting the qualifications standards of the higher target grade.

6. RATING AND RANKING PROCESS

a. Purpose. The merit system principles (5 U.S.C. 2301) requires that selection and advancement be determined solely on the basis of relative knowledge, skill and ability. To give effect to this provision, assessment procedures must be job-related, reliable, and capable of distinguishing differences in the qualifications measured. The objective is to ensure that selection under competitive procedures is made from candidates qualified for the position or group of positions. Patronage and personal relationships will not be considered in the rating and/or ranking process.

b. Qualification standards, selective criteria, ranking procedures, etc., may not be modified after the promotion process is under way unless it is necessary to correct an error and unless affected individuals are notified. If the error was likely to have precluded candidates from applying, the vacancy shall be re-announced. (e.g. selective factor too restrictive, KSA's do not relate to position description).

c. All applicants who are required to compete for a position must be evaluated on the basis of the same criteria.

d. A crediting plan will be used to rate all promotional candidates. A crediting plan provides a uniform standard of evaluating candidates for specific jobs based on job-related KSAs. The crediting plan is used to make distinctions among applicants by determining which are best qualified as opposed to those which merely meet minimal qualifications. The crediting plan will use the following multiple assessment measures: experience, education/training, awards and annual performance appraisals. Jointly, the subject matter expert (SME) and the Staffing Specialist will develop all crediting plans.

e. The crediting plan shall not be released when disclosure would provide an unfair advantage to some candidates or otherwise compromise the utility and validity of the procedure. However, upon written request, employees shall be informed about the job requirements and the process by which they will be evaluated.

f. Non-competitive applicants will not be rated or ranked. These applicants must meet the basic qualification only.

7. RATING PANELS

a. Panel members will be selected by the selecting official. The function of the panel will be to rate and rank all promotional candidates against an established crediting plan. Panel membership will be composed of three voting members. One Staffing Specialist will serve as a non-voting advisor to furnish counsel regarding validation of the panel's proceedings. All voting members will have a substantive technical knowledge of the position to be filled. Members of the panel will be employees of rank equal to or above the vacancy being filled. The crediting plan developed by the subject matter expert and the Staffing Specialist, pertinent panel discussion and deliberations associated with the ranking process are considered strictly confidential and will not be discussed or disclosed upon departure from the ranking and rating meeting unless authorized by the Human Resources Officer.

b. When there are ten or fewer basically qualified applicants for one vacancy, a Staffing Specialist or subject matter expert will rate and rank the promotion candidates application or resume against the crediting plan. The best qualified candidates will be certified. For this situation and at their discretion, management may elect to utilize a three member panel and rate each applicant against the crediting plan.

c. The selecting official for a specific position may not serve as a member of the rating and ranking panel.

8. REFERRAL/CERTIFICATION OF BEST QUALIFIED.

a. After the rating panel has completed the evaluation of all candidates, a Staffing Specialist will calculate the final rating based on the points awarded to each ranking factor. If more than one rater is used, scores for each ranking factor will be averaged to provide the candidate's final score.

b. The best qualified promotion candidates will be established by the Human Resources Division at the point where a meaningful distinction can be made in the final rating score of the candidates. Normally, this is established at the natural break in the score. The natural break is three or more points between candidate scores. The appropriate number of candidates for referral purposes is that number which results in a minimum of three candidates being referred with the referral

stopped at the natural break in the score. More than three candidates may be referred for each vacancy if a meaningful distinction cannot be made among the candidates final rating score.

c. After the individuals eligible for prior consideration have been referred, the names of the qualified promotion candidates will be certified on the promotion certificate in alphabetical order. Rating will not be reflected on the promotion certificate. Re-promotion eligibles, 30% disabled veterans, and other eligible candidates may be referred at any time during the recruitment, evaluation and selection process. Selection priority must be provided to eligible well-qualified surplus or displaced employees who meet the requirement for the CTAP/ICTAP regulation found in CFR, Part 330, Subparts F and G. The selecting official must make his/her selection within 30 days of issuance of the promotion certificate. After 30 days, if an additional extension is required, the Staffing Specialist may advertise for CTAP/ICTAP candidates only for a minimum of 5 days through OPMJOBS and then the certificate may be reactivated. The selecting official must request the extension in writing.

9. ROLE OF THE SELECTING OFFICIAL.

a. The selecting official is designated by the FLETC to make a selection and is thus vested with a high degree of autonomy, authority, and responsibility. Accordingly, there will be no restriction on the selecting official's discretion to:

(1) select any candidate from a referral list;

(2) decide not to make a selection; or

(3) select from any other appropriate source of candidates at any point in the selection process.

b. Division Chiefs will make the recommendation for all positions at the GS-13 and GS-14 grade levels, and all supervisory positions; then forward the selection to the appropriate Assistant Director for selection; and the Associate Director is the approving official.

c. The Assistant Director or Deputy Associate Director will make the selection of all positions at the GS-15 level and the Associate Director is the approving official.

d. Division Chiefs will make selection for all non supervisory positions below GS-13; and the Assistant Director is the approving official.

e. **No offers of employment are to be made by any individual without the prior approval of appropriate Staffing Branch personnel in HRD.**

10. Interviews. Interviews are discretionary and may be utilized by management officials to obtain additional information about a candidate's knowledge, skills and experience. If interviews are conducted, the questions must be job-related, reasonably consistent and fair. Although the same questions will be asked of all candidates, it is understood that responses to questions may lead to different topics for different candidates. When the referral list contains only FLETC employees and the management official decides to conduct interviews, all candidates on the list will be interviewed.

11. RELEASE OF EMPLOYEE. The release of an employee for promotion will normally not be delayed beyond the end of the first full pay period after selection, reasons for delay beyond the period specified above will be documented in writing. The release of an employee for a reassignment or transfer will be 30 days.

12. PAYMENT OF TRAVEL AND RELOCATION EXPENSES. When a position is filled under a merit promotion announcement and it is determined that it is in the best interest of the Government, travel and transportation expenses may be payable in accordance with the Federal Travel Regulation. The agency may limit the situations in which relocation expenses will be paid, based on such factors as labor market conditions, cost effectiveness, and whether the move is primarily at the request or convenience of the employee. The vacancy announcement will indicate when PCS is or is not authorized.

13. EXPIRATION OF APPLICANT LISTINGS. An announcement used to issue a certificate of eligibles to a selecting official may be used to fill substantially similar positions occurring within six months of the closing date of the announcement.

a. Prior to re-advertising and considering external candidates, management may consider internal candidates who were on the previous list.

14. EMPLOYEE COMPLAINTS.

a. Appeals. There is no candidates right to appeal an action under this directive. Allegations of prohibited personnel practices should be addressed to the Special Counsel, Merit Systems Protection Board (see 5 U.S.C. 2302). The OPM may also investigate complaints of substantive violations of the policies and principles in this directive. Allegations of discrimination should be addressed through the discrimination complaint process.

b. Grievances. Employees may not grieve non-selection for promotion or reassignment from a properly rated and/or ranked certificate of eligibles, or failure to receive a noncompetitive promotion. Also, the standards, criteria, and procedures prescribed in 5 CFR 335 and in this directive are not grievable. However, agency application of these provisions is grievable.

c. An employee may refer a question or complaint regarding the determination of basic eligibility or assigned rating to the Human Resources Division for informal handling within 15 calendar days of receipt of notification.

(1) The Human Resources Division will arrange for a Staffing Specialist to meet with the employee to discuss/explain the rating assigned. In such case, the employee will be provided with any appropriate information and/or explanation.

(2) The employee may be accompanied by a Union steward at this informal stage. The Union representative upon written authorization of the employee will be permitted to review the candidate's records which were used as a basis for evaluation and rating and/or ranking.

(3) The procedure as stated in (2) above must be utilized prior to submission under a grievance procedure. If the matter is not resolved on an informal basis, the employee may submit a formal grievance either under the negotiated grievance procedure contained in the collective bargaining agreement or under the FLETC Administrative Grievance System (see FD 67-71).

(4) Mere failure to be selected for promotion when proper promotion procedures are used (that is, non-selection from among a group of properly rated and/or ranked and certified candidates) is not a basis for a formal complaint.

15. OFFICE OF PRIMARY RESPONSIBILITY. Human Resources Division, Planning and Resources Directorate.

W. Ralph Basham
Director